

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA
Wilkes-Barre Division

Maria Victoria Diri,

Debtor.

Chapter 7
Case No. 5:21-bk-00329-MJC

**Debtor's Objection to Claim No. 7
of Claimant U.S. Department of Education**

Debtor Maria Victoria Diri, through her attorney, objects to a proof of claim under 11 U.S.C. § 502, Fed. R. Bankr. P. 3007, and L.B.R. 3007-1. In support of this objection, the Debtor states as follows:

1. The Debtor filed this case voluntarily under chapter 7 on February 19, 2021.
2. The Debtor scheduled a debt owed to the U.S. Department of Education in the amount of \$34,784.00 on Schedule E/F.
3. The Department of Education did not file a proof of claim by the deadline.
4. During the period allowed by Fed. R. Bankr. P. 3004, the trustee filed a proof of claim on behalf of the Department of Education in the amount of \$33,784.00, which the Clerk docketed as Claim No. 7. Exhibit A.
5. Upon information and belief, Claim No. 7 is based on a writing.
6. If a claim is based on a writing, a copy of the writing must be attached to the claim. Fed. R. Bankr. P. 3001(c)(1).
7. The trustee did not attach any supporting documents to Claim No. 7.
8. Upon information and belief, the trustee had no personal knowledge of the validity of the debt owed to the Department of Education and filed Claim No. 7 based only on the Debtor's schedules.

9. Because this case was not filed under chapters 9 or 11, the Debtor's schedules alone are not evidence of the validity or amount of any debt. *See Fed. R. Bankr. P. 3003.*

10. Filing a proof of claim without personal knowledge of the validity of the subject debt violates Fed. R. Bankr. P. 9011.

11. Because supporting documentation is not attached to Claim No. 7, and because the trustee filed the Claim without the necessary personal knowledge, the Debtor objects to Claim No. 7 and asks that the Court disallow it in its entirety.

For those reasons, the Court must grant relief in the form of order attached, and further in the Debtor's favor if necessary and proper under the law.

Date: May 24, 2024

CIBIK LAW, P.C.
Attorney for Debtor

By: 
Mike Assad (#330937)
1500 Walnut Street, Suite 900
Philadelphia, PA 19102
215-735-1060
help@cibiklaw.com